

# Office Action Summary

**Application No.**

09/651,796

**Applicant(s)**

UNDERWOOD ET AL.

**Examiner**

RAMY M. OSMAN

**Art Unit**

2157

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: \_\_\_\_\_

- 4) ☒ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. This communication is responsive to amendment filed on May 14, 2008, where applicant amended claims 1,12,13,24-28. Claims 1-28 are pending.

### ***Response to Amendments***

2. Applicant's amendments filed 5/14/2008 have been fully considered but are moot in view of new grounds of rejection presented below.
3. Previous 101 rejections are withdrawn in light of amendments.
4. On page 15 of amendment, Applicant argues that neither Cohen nor Burge teach the amended limitation of "previewing the generated...".

***In reply***, A new grounds of rejection in view of Arora (US Publication No 2002/0023111) is presented below.

5. On pages 15-16 of amendment, Applicant summarizes the Cohen reference and argues that Applicants invention is distinct from Cohen.

***In reply***, the only limitation that Examiner agrees is not taught by Cohen is the amended "previewing" limitation. Despite that, Applicants arguments are a mere allegation of patentability. Applicant has failed to detail how a particular limitation(s) within the claim(s) specifically differ from the Cohen reference. The arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 1-10, 12-22 and 24-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (U.S. Patent No. 6,263,352) in view of Arora et al (US Publication No 2002/0023111).**

8. In reference to claims 1 and 13, Cohen respectively teaches a method and corresponding system, comprising the steps of:

receiving first data entry including selection of an industry type (column 7 lines 53-55 & 61-63, Cohen discloses entering merchant information);

presenting one or more questions based at least in part on the selected industry type (column 7 lines 53-60, Cohen discloses presenting step by step instructions and questions to merchants);

receiving a second data entry in response to the one or more questions (column 7 lines 58-64, Cohen discloses various questions that each require data entry);

determining one or more characteristics for each of one or more web site dimensions in accordance with the first and second data entries (column 7 lines 50-52, Cohen discloses utilizing input data to generate a customized web site);

generating a description, including a structure, of the web site based upon the one or more determined characteristics for each of the one or more web site dimensions (column 7 line 65 - column 8 line 30, Cohen discloses gathering merchant and website information to generate a website);

retrieving web site data including pre-created industry content from an external data source in accordance with the generated description of the web site (column 8 lines 31-40, Cohen discloses active server templates that are generic for a variety of merchants);

generating one or more pages of the web site based upon the description of the web site and the retrieved web site data (column 7 lines 50-52);

remotely executing an application that may or may not retrieve web site data such that whether content is retrieved is a function of the remotely executed application (column 6 lines 22-26 and column 7 lines 51-59, Cohen discloses a merchant remotely executing an SBW application that may gather data input by a merchant, or may not gather data if the merchant has not input data);

presenting the generated web site (column 4 lines 22-25 and column 6 lines 31-41, Cohen discloses presenting the web site to customers).

Cohen fails to explicitly teach previewing the generated one or more pages, any changes made on the one or more pages during previewing being automatically incorporated. However, Arora discloses a web page editor that enables a user to make changes to a page layout and preview those changes by generating HTML for the layout (Arora, Figures 6 & 8 and ¶s 95 & 99). Arora discloses this so that a user can design a page layout and confirm that the page to

looks exactly as the user intended it to look (¶99). It is also clear that changes can be made to the layout while having the preview window open.

It therefore would have been obvious for one of ordinary skill in the art to modify Cohen by including the feature of “previewing the generated one or more pages, any changes made on the one or more pages during previewing being automatically incorporated”, as per the teachings of Arora so that a user can design a page layout and confirm that the page to looks exactly as the user intended it to look.

9. In reference to claims 2 and 14, Cohen respectively teaches the method and system as claimed in claims 1 and 13, wherein the external data source is a web site (c column 8 lines 31-40 and Figure 6, Cohen discloses a Meta Site).

10. In reference to claims 3 and 15, Cohen respectively teaches the method and system as claimed in claims 1 and 13, wherein the description defines a format of the pre-created industry content (column 8 lines 31-40).

11. In reference to claims 4 and 16, Cohen respectively teaches the method and system as claimed in claims 3 and 15, wherein the format of the pre-created industry content includes a look and feel of the dynamic content data (column 8 lines 31-40).

12. In reference to claims 5 and 17, Cohen respectively teaches the method and system as claimed in claims 3 and 15, wherein the format of the pre-created industry content defined by the generated description is different from a format of the pre-created industry content as retrieved from the external data source (column 7 line 50 – column 8 line 10 and column 8 lines 31-40).

13. In reference to claims 6 and 18, Cohen respectively teaches the method and system as claimed in claims 3 and 15, wherein the format of the pre-created industry content matches a format of the web site (column 7 line 50 – column 8 line 10 and column 8 lines 31-40).

14. In reference to claims 7 and 19, Cohen respectively teaches the method and system as claimed in claims 6 and 18, wherein the format of the web site is defined by at least one of the characteristics of at least one of the web site dimensions (column 7 lines 51-64).

15. In reference to claims 8 and 20, Cohen respectively teaches the method and system as claimed in claims 1 and 13, further comprising the step of storing the description of the web site (column 8 lines 41-48 and Figure 6 #120).

16. In reference to claims 9 and 21, Cohen respectively teaches the method and system as claimed in claims 1 and 13, wherein the data entry includes one or more user preferences (column 8 lines 6-20).

17. In reference to claims 10 and 22, Cohen respectively teaches the method and system as claimed in claims 1 and 13, wherein the data entry includes one or more user profiles (column 8 lines 21-22).

18. In reference to claims 12 and 24, Cohen respectively teaches a method and corresponding system, respectively comprising the steps of:

receiving first data entry, at least a portion of the first data entry designating an external data source of dynamic content data (column 7 lines 53-55 & 61-63, Cohen discloses entering merchant information where a merchant is a data source);

presenting one or more questions based at least in part on the first data entry (column 7 lines 53-60, Cohen discloses presenting step by step instructions and questions to merchants);

receiving a second data entry in response to the one or more questions (column 7 lines 58-64, Cohen discloses various questions that each require data entry);

determining one or more characteristics for each of one or more web site dimensions in accordance with the first and second data entries (column 7 lines 50-52, Cohen discloses utilizing input data to generate a customized web site);

defining at least one of the characteristics of at least one of the web site dimensions based upon the designated external data source (column 7 lines 50-52, Cohen discloses utilizing input data to generate a customized web site);

generating a description, including a structure, of the web site based upon the one or more determined characteristics for each of the one or more web site dimensions, the description including a description of the designated external data source (column 7 line 65 - column 8 line 30, Cohen discloses gathering merchant and website information to generate a website);

retrieving web site data including pre-created industry content from an external data source in accordance with the generated description of the web site (column 8 lines 31-40, Cohen discloses active server templates that are generic for a variety of merchants);

generating one or more pages of the web site based upon the description of the web site and the retrieved web site data (column 7 lines 50-52);

remotely executing an application that may or may not retrieve web site data such that whether content is retrieved is a function of the remotely executed application (column 6 lines 22-26 and column 7 lines 51-59, Cohen discloses a merchant remotely executing an SBW application that may gather data input by a merchant, or may not gather data if the merchant has not input data);

presenting the generated web site (column 4 lines 22-25 and column 6 lines 31-41, Cohen discloses presenting the web site to customers).

19. In reference to claims 25 and 27, these are respective system and computer program instruction claims that correspond to the method claim 1. Therefore, claims 25 and 27 are rejected based upon the same rationale as given for claim 1 above.

20. In reference to claims 26 and 28, these are respective system and computer program instruction claims that correspond to the method claim 12. Therefore, claims 26 and 28 are rejected based upon the same rationale as given for claim 12 above.

**21. Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (U.S. Patent No. 6,263,352) in view of Arora et al (US Publication No 2002/0023111) in further view of Burge et al. (U.S. Patent No. 6,014,638).**

Cohen teaches the method of claims 1 and 13 above. Cohen fails to teach wherein the data entry includes one or more navigation histories. However, Burge teaches using navigation history to customize the presentation of information in accordance with a users needs and preferences (column 3, lines 45-55).

It would have been obvious to one having ordinary skill in the art to modify Cohen by enabling the data entry to comprise navigation histories as per the teachings of Burge so as to customize the presentation of information in accordance with a users needs and preferences.

### ***Conclusion***

22. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above



rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

23. Applicant may not introduce any new matter to the claims or to the specification. For any subsequent response that contains new/amended claims, Applicant is required to cite its corresponding support in the specification. (See MPEP chapter 2163.03 section (I.) and chapter 2163.04 section (I.) and chapter 2163.06)

24. In formulating a response/amendment, Applicant is encouraged to take into consideration the prior art that was previously made of record and also the following prior art made of record but not relied upon, as they are all considered pertinent to applicant's disclosure:

Pat. Nos. 6257032 and 6304886, Bernardo et al teaches a method for approving web site creation, and discloses on-the-fly rendering of previews of site designs (at least column 9).

Pat No. 7194680, Roy et al teaches a method of content creation, and discloses previewing the content (at least column 6).

Pat No 6515682, Washington et al teaches a method of editing a control utilizing a preview window to view changes.

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/  
Examiner, Art Unit 2157

August 16, 2008